

**VILLAGE OF PALMETTO BAY, FLORIDA  
MINUTES OF THE MONDAY, NOVEMBER 1, 2004  
MEETING OF THE VILLAGE COUNCIL**

DEERING ESTATE VISITOR CENTER  
16701 SOUTHWEST 72 AVENUE  
PALMETTO BAY, FLORIDA

- I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:00 p.m. The following members of the Village Council were present:

Mayor Eugene P. Flinn, Jr.  
Vice Mayor Linda Robinson  
Councilman Ed Feller, MD  
Councilman Paul Neidhart  
Councilman John Breder

The following staff members were present:

Village Manager Charles D. Scurr  
Village Attorney Eve Boutsis  
Village Clerk Meighan Pier

Mayor Flinn introduced Senator Gwen Margolis and Representative Julio Robaina. The Mayor asked Senator Margolis to lead the pledge of allegiance.

**II. PROCLAMATIONS, AWARDS, PRESENTATIONS**

- A. Presentation by the South Florida Water Management District (SFWMD) of 2004 Grant: Mr. Jose Fuentes, representative of SFWMD, was introduced. Senator Margolis thanked the Council for inviting her to congratulate Palmetto Bay for the award. Representative Robaina also thanked the Council for the honor of representing Palmetto Bay. The Council members thanked the legislators, asking McKenzie Moore, aide to Senator Bullard, to express their appreciation to her, Ron Book, and Robert Levy for their efforts.

Ron Book and Ron Levy thanked the members of the Florida delegation and SFWMD for their leadership and encouragement. He thanked the Council for allowing Book and Levy to continue to represent the village.

Mr. Fuentes presented the village with a \$200,000 check.

- B. Discussion of FY 2005 Legislative Issues – Ron Book and Robert Levy

Mr. Book provided the legislative update. He advised that legislative committees will be named promptly this year. He stated that there will be a special session in December and it is fair to assume that every budget will be

reviewed. He further explained that 13 or 14 counties received the bulk of hurricane damage, which results in a serious impact on the state budget.

Mr. Levy advised that windstorm may not be addressed in the special session, as the issue is complex. He noted that they will state the village's position through the resolution (if it is adopted this evening). He advised that there should be another special session regarding the Pre-K programs. He concluded that while Governor Bush is fiscally conservative, the impact of the hurricanes on the budget will require using reserve; therefore, there may not be additional funds this year.

Mayor Flinn suggested hearing the Resolution concerning the windstorm issue at this time. The Council concurred.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING THE FLORIDA LEGISLATURE TO AMEND THE FLORIDA HURRICANE CATASTROPHE LEGISLATION TO PROVIDE FURTHER PROTECTION TO FLORIDA RESIDENTS AND PROPERTY OWNERS; AND SEEKING SUPPORT FROM ALL NEIGHBORING COMMUNITIES WITH THIS INITIATIVE; PROVIDING AN EFFECTIVE DATE. (Sponsored by Councilman Feller)

Councilman Feller moved the item forward. Seconded by Vice Mayor Robinson.

Attorney Boutsis provided staff report.

Councilman Feller explained the matter, noting that a line was drawn wherein all properties east of Dixie Highway and east of I-95 would require windstorm coverage. He stated that he believed this invisible line was "grossly unfair" and "arbitrary" as it determined how much people would have to pay for windstorm insurance; and the arbitrary line should be eliminated. He noted that many residents who have windstorm coverage made changes to their homes in order to get lower rates and have now discovered that the reduced rates were eliminated. Councilman Feller stated that he would like this matter reconsidered so that the reduced rates could be offered on improved homes.

Mr. Book concurred, adding that the proposed resolution is important and timely.

Representative Robaina advised that he had drafted legislation to require an audit prior to rate increases.

Discussion ensued.

All voted in favor of the proposed Resolution. The Resolution was adopted unanimously (5-0).

- C. Audited Financial Statements for the period ending September 30, 2003 – Rachlin, Cohen & Holtz, LLP

Mr. Jerry Chiocca of Rachlin, Cohen & Holtz provided an explanation of the Audited Financial Statement.

Mr. Scurr thanked Finance Director Alfredo Acin.

Councilman Feller noted that the village's significant savings was due to the first year reconciliation and this type of savings should not be anticipated each year.

Vice Mayor Robinson thanked Mr. Chiocca.

Councilman Feller moved to accept the audit. Seconded by Councilman Neidhart. All voted in favor. The Motion carried (5-0).

- D. Presentation of alternate street sign designs–Joe Corradino, The Corradino Group

Mr. Joe Corradino provided three options. He advised that the consultants had previously held two workshops and while input from the public and the council had been received, no consensus had been reached with regard to the monument signs.

Councilman Feller asked for cost information so that the Council could compare the aesthetics versus the cost.

Mayor Flinn asked if the sign could be larger than what is currently in use. Mr. Corradino answered affirmatively.

Mayor Flinn asked how co-designation would be managed.

Mr. Corradino stated that he would prefer the street number and then the name in a slightly smaller font, with the information on one sign, rather than stacking signs.

Following discussion, Mr. Corradino was directed to return with cost information (price difference between logo and without logo).

### **III. APPROVAL OF MINUTES**

- A. Minutes of the September 9, 2004 Budget Hearing
- B. Minutes of the September 20, 2004 Budget Hearing
- C. Minutes of the October 4, 2004 Council Meeting

Councilman Neidhart moved to approve the Minutes. Seconded by Vice Mayor Robinson. All voted in favor. The Minutes were approved.

#### **IV. VILLAGE MANAGER'S REPORT**

- A. Mr. Scurr provided information with regard to the following events:
- November 8 – Southwest Charrette Meeting(7 pm–Deering Estate)
  - November 12 – State of the Village (6-10 pm–Palmetto Bay Village Center)
  - November 16 – Parks Master Plan (7 pm-Deering Estate)
  - November 2 Election- bond issue 1 - \$14M for US-1 infrastructure project and bond issue 2 - \$3M direct appropriation for parks and Deering Estate is included. Asks all to support number 1 and 2
- B. Mr. Scurr advised that the Village is discussing a possible partnership with Miami-Dade County, the Trust for Public Land and SFWMD regarding the purchase of the Haas property (south of C-100 canal).
- C. Mr. Scurr reported that he had received an email from Miami-Dade County wherein the County expressed that the village could pay for the County's website service using mitigation funds.
- D. Mr. Scurr provided information regarding the Building Department and Code Compliance Division.
- E. Mr. Scurr announced that a Committee of the Whole has been tentatively scheduled for November 9<sup>th</sup> at 6 pm (900 Perrine Avenue). There will be no zoning hearing in November, next hearing is December 13<sup>th</sup>. The next Council meeting is December 6<sup>th</sup>. On November 16<sup>th</sup>, the Village Hall/Police Complex Advisory Committee will be touring village halls, departing from 8950 SW 152 Street at 8 am. He added that this committee will also tour the Palmetto Bay Village Center on November 30<sup>th</sup> at 6 pm. Mr. Scurr advised that the check register is available. With regard to the Agenda, he advised that staff recommends deferral of the second reading of the noise ordinance to the next Council meeting.

#### **V. VILLAGE ATTORNEY'S REPORT**

- A. Attorney Boutsis reported that her office is creating a non-profit corporation for the Village and asks that this matter be scheduled for the next Committee of the Whole meeting to discuss naming the non-profit and determining its structure.

#### **VI. BOARD AND COMMITTEE REPORTS: None at this time.**

## **VII. CONSENT AGENDA**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LOTT & LEVINE IN THE AMOUNT OF \$3,380.53; PROVIDING AN EFFECTIVE DATE.
- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$9,875.28; PROVIDING AN EFFECTIVE DATE.
- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC INFORMATION SERVICES; AUTHORIZING THE VILLAGE MANAGER TO RENEW THE CONTRACT WITH GORIN COMMUNICATIONS, INC., FOR PUBLIC INFORMATION SERVICES FOR THE FISCAL YEAR 2004-05 UNDER THE TERMS AND CONDITIONS OF THE CONTRACT ATTACHED; PROVIDING AN EFFECTIVE DATE.
- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AN EXISTING AGREEMENT WITH PIOS AND SONS ENTERPRISE, INC., FOR CONCRETE REPAIRS ON SELECTED PUBLIC SIDEWALKS AND CURBING WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Robinson moved to approve the Consent Agenda. Seconded by Councilman Neidhart. All voted in favor (4-0, Councilman Breder briefly left the room). The Resolutions were adopted.

## **VIII. RESOLUTIONS**

- A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE POLICE PROCUREMENT; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER FOR TASERS UNDER COUNTY CONTRACT BW1673-3/08 IN THE TOTAL AMOUNT OF \$12,592.45 FROM DGG TASER, INC.; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Robinson moved this item. Seconded by Councilman Feller.

Mr. Scurr advised that the Village's Policing Unit is striving to utilize the most progressive items. He added that tasers are a successful non-lethal weapon.

Lieutenant Debra Antonious provided information regarding the use of the tasers.

Following discussion, all voted to approve the Resolution. The Motion carried (5-0).

- B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO THE TRANSPORTATION MASTER PLAN REPORT, ACCEPTING THE FINAL REPORT DOCUMENTS AND RECOMMENDATIONS; FURTHER AUTHORIZING THE VILLAGE MANAGER TO PROCEED WITH IMPLEMENTATION OF THE REPORT FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved this item. Seconded by Vice Mayor Robinson.

Mr. Ron Williams, Public Works Director, provided staff report.

Mayor Flinn asked for clarification regarding the list of recommended projects.

Mr. Williams advised that staff believes that the projects defined will provide improvement that positively impacts the village; however, certain projects may be removed due to lack of funding or prioritization. He advised that staff will return as funding is sought for specific projects.

Following discussion, all voted in favor of the previous Motion. The Resolution was adopted unanimously (5-0).

- C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH ENVIROWASTE SERVICES GROUP, INC., TO CLEAN STORM DRAIN INLETS WITHIN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Neidhart moved this item. Seconded by Councilman Feller.

Mr. Williams provided staff report.

Following discussion, all voted in favor of the previous Motion. The Resolution was adopted unanimously (5-0).

- D. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SW 164<sup>TH</sup> STREET DRAINAGE IMPROVEMENTS IN THE VILLAGE OF PALMETTO BAY; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PERFORM DRAIN SYSTEM DESIGN SERVICES FOR THIS AREA AND TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$76,000.00 ON A PROJECT THAT WILL SUBSTANTIALLY IMPROVE THE DRAINAGE CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Neidhart moved this item. Seconded by Vice Mayor Robinson.

Mr. Williams provided staff report, adding that this project has been given high priority due to the severity of the problems in this neighborhood.

Mr. Gary Tate of Kimley-Horn reported that three areas of the Village had been given priority in the stormwater master plan. He noted that 164<sup>th</sup> Street is a low-lying road with the stormwater run off not being captured in the current system. He stated that Kimley-Horn will provide construction documents to analyze the existing area; a preliminary design that will include seeking information and then providing options to the village. He advised that the systems in place need improvement and one possible solution would be to consider including outfalls to C-100 canal.

Following discussion, all voted in favor of the previous Motion. The Resolution was adopted (5-0).

**IX. RESOLUTIONS REQUIRING PUBLIC HEARING:** None at this time.

**X. ORDINANCES FOR FIRST READING AND EMERGENCY ORDINANCES**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SIDEWALK CAFES; CREATING CHAPTER \_\_\_\_ OF THE CODE OF ORDINANCES ENTITLED "SIDEWALK CAFES;" PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Robinson moved this item. Seconded by Councilman Breder.

Ms. Arleen Weintraub, Community Development Director, provided staff report.

Mayor Flinn asked how the permitting fees were determined.

Ms. Weintraub advised that the fees were established based upon staff time and that the fees are modest compared to other cities.

Mayor Flinn asked for clarification regarding the one year entitlement.

Ms. Weintraub advised that if the café should become a problem, the permit would not be provided the following year. She added that the village also can revoke a license at any time, should a nuisance be created.

Councilman Feller asked how many cafés are currently operating.

Ms. Weintraub advised that five or six businesses have outdoor cafés; however, the village had received recent inquiries. She added that the ordinance allows the village to have an active role.

Councilman Breder noted that the ordinance includes regulations that prohibit audio/visual devices, and he is in favor of allowing outdoor music that would not disturb adjacent businesses.

Mayor Flinn asked for information concerning parking.

Ms. Weintraub advised that staff had compared the figures with other cities and believes that sufficient parking seems to occur in the shopping areas that have the ability to have the sidewalk cafes. She noted that 400 square feet is a small area of seating, i.e. ice cream parlor type of seating, and that if a larger endeavor is requesting consideration, then additional review would be conducted.

Discussion ensued regarding plastic furniture; Ms. Weintraub was asked to word the matter so as not to be too restrictive.

Councilman Breder noted that a landlord may not allow tenants to have outdoor restaurants, as normally the interior space is what is rented.

All voted in favor of moving this item to second reading. The Motion carried (5-0).

## **XI. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NOISE; CREATING CHAPTER \_\_\_\_ OF THE CODE OF ORDINANCES ENTITLED "NOISES;" PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Deferral to Council Meeting of 12/6/04 recommended by staff)

Councilman Feller moved to defer the proposed Ordinance to the next Council meeting. Seconded by Vice Mayor Robinson. All voted in favor. The Motion carried (5-0).

## **XII. REQUESTS, PETITIONS AND PUBLIC COMMENTS**

- A. Ed Ludovici, 17415 S Dixie Highway, commented with regard to street signs.
- B. Howard Tendrich, 16500 S.W. 74 Avenue, asked the Village to consider membership or supplementing residents' membership with the Deering Estate.
- C. Glenn Lurie, 17501 SW 93 Place, expressed his displeasure with lights at Perrine Park and opposition to eight softball fields. He opined with regard to Tom David's resignation of the chair of the southwest charrette advisory committee.
- D. The Palmetto Bay Racquetball Players Organization addressed the Council regarding the racquetball courts at Coral Reef Park.

## **XIII. MAYOR AND COUNCIL COMMENTS**

- A. Councilman Neidhart expressed his support of including street signs on section roads.
- B. Councilman Breder wished all a Happy Halloween
- C. Vice Mayor Robinson advised that she would like the Committee of the Whole meeting rescheduled. She stated that the Council needs to discuss the Charter School Advisory Committee.
- D. Councilman Feller suggested that the Council discuss Perrine Park and the lighting of the Park at the next Committee of the Whole meeting.
- E. Mayor Flinn invited all to the State of the Village.

## **XIV. OTHER BUSINESS**

- A. Vice Mayor Robinson noted that the Charter School Advisory Committee was very active and met for approximately six months and was ready to begin sending out informational brochures and to have a public meeting. She stated that with the possible purchase of a piece of property in the village by a private charter school organization, the Committee wonders if it should continue or sunset.

Mr. Ed Ludovici, Chair of the Committee, stated that the Committee was established for a six month window and is "technically sunsetted"; however, the Committee was working toward scheduling a public on November 18<sup>th</sup>. He advised that he believes Charter School USA is considering purchasing property in the Village and operating a school.

Mr. Scurr advised that the Alliance Group has a purchase contract with a 45-business day due diligence period. He noted that the Group has permission from the School Board to commence the charter and the zoning allows for the charter school. He stated that the Group is meeting with DERM and WASA and continuing due diligence.

Attorney Boutsis added that a charter school company, once approved by the School Board, can operate anywhere in the County once property is secured.

Following discussion, Councilman Breder moved to extend sunseting of the Charter School Advisory Committee to November 8<sup>th</sup>. Seconded by Councilman Neidhart. The Motion carried (4-1, Mayor Flinn being in opposition).

**XV. NEXT MEETING AND ADJOURNMENT:** The meeting was officially adjourned at 9:39 pm.

*Prepared and submitted by:*

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*Meighan J. Pier*  
*Village Clerk*

*Adopted by the Village Council on*  
*this 6<sup>th</sup> day of December, 2004.*

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*Eugene P. Flinn, Jr., Mayor*